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**Division of Publications**  
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**For Department of State Use Only**

Sequence Number: 05-04-12  
 Rule ID(s): 5202  
 File Date: 05/03/2010  
 Effective Date: 08/01/2010

# Rulemaking Hearing Rule(s) Filing Form

*Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. T.C.A. § 4-5-205*

<b>Agency/Board/Commission:</b>	Tennessee Wildlife Resources Agency
<b>Division:</b>	Boating and Law Enforcement
<b>Contact Person:</b>	Lisa Crawford
<b>Address:</b>	PO Box 40747, Nashville, TN
<b>Zip:</b>	37204
<b>Phone:</b>	615-781-6606
<b>Email:</b>	<a href="mailto:Lisa.Crawford@tn.gov">Lisa.Crawford@tn.gov</a>

**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)**

Chapter Number	Chapter Title
1660-01-15	Rules and Regulations for Animal Importation
Rule Number	Rule Title
1660-01-15-.02	Importation of Wildlife Carcasses, Parts, and Products

Chapter 1660-01-15  
 Rules and Regulations for Animal Importation

Amendment

1660-01-15-.02, Importation of Wildlife Carcasses, Parts, and Products, is amended by deleting the current language in its entirety and substituting the following language so that, as amended, the rule shall read as follows:

- (1) No person may import, transport, or possess in Tennessee a cervid carcass or carcass part from any area that has a known case of chronic wasting disease (CWD) except as provided herein:
  - (a) Meat that has bones removed.
  - (b) Antlers, antlers attached to cleaned skull plates, or cleaned skulls (where no meat or tissues are attached to the skull).
  - (c) Cleaned teeth.
  - (d) Finished taxidermy and antler products.
  - (e) Hides and tanned products.

- (2) The Tennessee Wildlife Resources Commission will annually compile a list of these areas and make such list available to the public.

Authority: T.C.A. §§70-1-206 and 70-4-107. Administrative History: Original rule filed July 12, 2005; effective September 25, 2005. Amendment filed January 5, 2009; effective March 21, 2009.

If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent
William L. Brown	✓			
Jim Bledsoe	✓			
Harold Cannon	✓			
Jeffrey H. Griggs	✓			
Julius Johnson				✓
Robert Martineau				✓
Jeff McMillin	✓			
Mitchell S. Parks	✓			
Julie Schuster	✓			
Todd A. Shelton				✓
Trey Teague	✓			
Eric Wright				✓
Danya Welch				✓

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Wildlife Resources Commission on 03/16/2012 (mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 01/20/2012

Rulemaking Hearing(s) Conducted on: (add more dates). 03/16/2012

Date: 3-20-12

Signature: Ed Carter

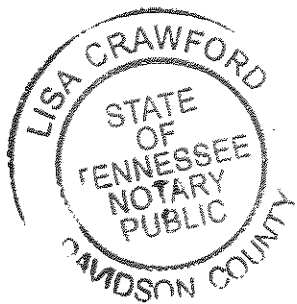
Name of Officer: Ed Carter

Title of Officer: Executive Director

Subscribed and sworn to before me on: 3-20-12

Notary Public Signature: Lisa Crawford

My commission expires on: 5-5-15



All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Robert E. Cooper, Jr.  
 Robert E. Cooper, Jr.  
 Attorney General and Reporter  
4-25-12

Date

Department of State Use Only

Filed with the Department of State on:

05/03/2012

Effective on:

08/01/2012

Tre Hargett by T. Hargett, POA

Tre Hargett  
Secretary of State

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PUBLICATIONS

## Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. § 4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

RULE: 1660-01-15-.02

New	_____
Amendment	<u>  X  </u>
Repeal	_____

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There were no public comments to the above-described rule.

Attached hereto are the responses to public comments.

## Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(1) The type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, and/or directly benefit from the proposed rule;

None

(2) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record;

None. The only record would be a citation in the event a violation of this rule was found.

(3) A statement of the probable effect on impacted small businesses and consumers;

Less than 10 meat processors and/or taxidermists would not be able to provide service on one out of hundreds of animals they handle each year.

(4) A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and/or objectives of the proposed rule that may exist, and to what extent, such alternative means might be less burdensome to small business;

None at this time.

(5) A comparison of the proposed rule with any federal or state counterparts; and

None

(6) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.

None

### **Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

Will passage of this rule have a projected financial impact on local governments? No

Please describe the increase in expenditures or decrease in revenues: n/a

**Additional Information Required by Joint Government Operations Committee**

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

This rule prohibits the unauthorized importation of any cervid carcasses or parts that are from areas where Chronic Wasting Disease has been identified. This is being put in place to prevent the introduction of Chronic Wasting Disease into Tennessee's wild white-tailed deer and elk populations, as well as captive non-native deer and elk populations.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

T.C.A. §70-1-206, entitled Duties and Functions, grants the Tennessee Wildlife Resources Commission the authority to promulgate rules. T.C.A. §70-4-107, entitled Hunting and Fishing Seasons—Bag and Creel Limits—Non-protected Wildlife, authorizes the Tennessee Wildlife Resources Commission to develop a list of wildlife deemed destructive.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Tennessee hunters and persons possessing captive cervidae both, in conjunction with the United States Department of Agriculture and the Tennessee Department of Agriculture, urge the adoption of this rule to prevent the introduction of Chronic Wasting Disease into the wild deer and captive non-native deer and elk populations.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

None

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

None

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Walter Cook, Captive Wildlife Coordinator, 615-781-6647, walter.cook@tn.gov

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Nat Johnson, TWRA Assistant Executive Director, will explain the rule at the scheduled meeting of the Government Operations Committee.

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Nat Johnson, Tennessee Wildlife Resources Agency, P.O. Box 40747, Nashville, TN 37204, (615) 781-6555, Nat.Johnson@tn.gov

(I) Any additional information relevant to the rule proposed for continuation that the committee requests.

None.



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Sequence Number: \_\_\_\_\_  
 Rule ID(s): \_\_\_\_\_  
 File Date: \_\_\_\_\_  
 Effective Date: \_\_\_\_\_

# Rulemaking Hearing Rule(s) Filing Form

*Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. T.C.A. § 4-5-205*

<b>Agency/Board/Commission:</b>	Tennessee Wildlife Resources Agency
<b>Division:</b>	Boating and Law Enforcement
<b>Contact Person:</b>	Lisa Crawford
<b>Address:</b>	PO Box 40747, Nashville, TN
<b>Zip:</b>	37204
<b>Phone:</b>	615-781-6606
<b>Email:</b>	Lisa.Crawford@tn.gov

**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)**

Chapter Number	Chapter Title
1660-01-15	Rules and Regulations for Animal Importation
Rule Number	Rule Title
1660-01-15-.02	Importation of Wildlife Carcasses, Parts, and Products

Rulemaking Hearing Rules  
 Of  
 Tennessee Wildlife Resources Agency  
 Wildlife Resources

Chapter 1660-01-15  
 Rules and Regulations for Animal Importation

1660-01-15-.02, Importation of Wildlife Carcasses, Parts, and Products, is amended by deleting the current language in its entirety and substituting the following language so that, as amended, the rule shall read as follows:

~~1660-01-15-.02 IMPORTATION OF WILDLIFE CARCASSES, PARTS, AND PRODUCTS~~

(1) ~~No person may import, transport, or possess in Tennessee a cervid carcass or carcass part from any area, as proclaimed by the Tennessee Wildlife Resources Commission, that has a known case of chronic wasting disease (CWD) except as provided herein:~~

~~(a) Meat that has bones removed.~~

~~(b) Antlers, antlers attached to cleaned skull plates, or cleaned skulls (where no meat or tissues are attached to the skull.)~~

- (c) — Cleaned teeth.
- (d) — Finished taxidermy and antler products.
- (e) — Hides and tanned products.

(1) No person may import, transport, or possess in Tennessee a cervid carcass or carcass part from any area that has a known case of chronic wasting disease (CWD) except as provided herein:

- (a) Meat that has bones removed.
- (b) Antlers, antlers attached to cleaned skull plates, or cleaned skulls (where no meat or tissues are attached to the skull).
- (c) Cleaned teeth.
- (d) Finished taxidermy and antler products.
- (e) Hides and tanned products.

(2) The Tennessee Wildlife Resources Commission will annually compile a list of these areas and make such list available to the public.

Authority: T.C.A. §§70-1-206 and 70-4-107. Administrative History: Original rule filed July 12, 2005; effective September 25, 2005. Amendment filed January 5, 2009; effective March 21, 2009.

If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent
William L. Brown				
Jim Bledsoe				
<i>Harold</i> William Cannon				
Jeffrey H. Griggs				
Julius Johnson				
Robert Martineau				
Jeff McMillin				
Mitchell S. Parks				
Julie Schuster				
Todd A. Shelton				
Trey Teague				
Eric Wright				
Danya Welch				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Wildlife Resources Commission on 3/16/2012 (mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 1/20/2012

Rulemaking Hearing(s) Conducted on: (add more dates). 3/16/2012

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Name of Officer: Ed Carter

\_\_\_\_\_  
Title of Officer: Executive Director

Subscribed and sworn to before me on: \_\_\_\_\_

Notary Public Signature: \_\_\_\_\_

My commission expires on: \_\_\_\_\_

\_\_\_\_\_  
All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

\_\_\_\_\_  
Robert E. Cooper, Jr.  
Attorney General and Reporter

\_\_\_\_\_  
Date

**Department of State Use Only**

Filed with the Department of State on: \_\_\_\_\_

Effective on: \_\_\_\_\_

\_\_\_\_\_  
Tre Hargett  
Secretary of State

## Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. § 4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

RULE: 1660-01-15-.02

New	<u>      </u>
Amendment	<u>  X  </u>
Repeal	<u>      </u>

---

There were no public comments to the above-described rule.

Attached hereto are the responses to public comments.

## Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(1) The type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, and/or directly benefit from the proposed rule;

None

(2) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record;

None. The only record would be a citation in the event a violation of this rule was found.

(3) A statement of the probable effect on impacted small businesses and consumers;

Less than 10 meat processors and/or taxidermists would not be able to provide service on one out of hundreds of animals they handle each year.

(4) A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and/or objectives of the proposed rule that may exist, and to what extent, such alternative means might be less burdensome to small business;

None at this time.

(5) A comparison of the proposed rule with any federal or state counterparts; and

None

(6) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.

None

### **Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

Will passage of this rule have a projected financial impact on local governments? No

Please describe the increase in expenditures or decrease in revenues: n/a

**Additional Information Required by Joint Government Operations Committee**

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

This rule prohibits the unauthorized importation of any cervid carcasses or parts that are from areas where Chronic Wasting Disease has been identified. This is being put in place to prevent the introduction of Chronic Wasting Disease into Tennessee's wild white-tailed deer and elk populations, as well as captive non-native deer and elk populations.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

T.C.A. §70-1-206, entitled Duties and Functions, grants the Tennessee Wildlife Resources Commission the authority to promulgate rules. T.C.A. §70-4-107, entitled Hunting and Fishing Seasons—Bag and Creel Limits—Non-protected Wildlife, authorizes the Tennessee Wildlife Resources Commission to develop a list of wildlife deemed destructive.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Tennessee hunters and persons possessing captive cervidae both, in conjunction with the United States Department of Agriculture and the Tennessee Department of Agriculture, urge the adoption of this rule to prevent the introduction of Chronic Wasting Disease into the wild deer and captive non-native deer and elk populations.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

None

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

None

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Walter Cook, Captive Wildlife Coordinator, 615-781-6647, walter.cook@tn.gov

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Nat Johnson, TWRA Assistant Executive Director, will explain the rule at the scheduled meeting of the Government Operations Committee.

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Nat Johnson, Tennessee Wildlife Resources Agency, P.O. Box 40747, Nashville, TN 37204, (615) 781-6555, Nat.Johnson@tn.gov

(l) Any additional information relevant to the rule proposed for continuation that the committee requests.

None.